

DIST/OFFICE	DOCKET YR	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR	NUMBER
1085/4	76	0433-C	08 17 76	4	310	1	4:1		925		8510 0509	P	76	0433- Ac

PLAINTIFFS

~~CARTER, FRANCES R., individually and
as mother and next friend of
CARTER, Jeffrey Giles, and
CARTER, Bradley Thomas, minors; and
CARTER, Michael Keith, and
CARTER, Kerry.~~

FRANCES R. CARTER, Administratrix
of the Estate of Keith D. Carter,
deceased.

substituted as party pltf 8-10-77

DEFENDANTS

HORETH, IDA M., Administratrix of the
Estate of HORETH, John M., deceased;
and CLARK, Wendell W., Administrator
of the Estate of SANCHEZ-VEGAS, Ricardo
Enrique, deceased.

VS

MAXWELL, JAMES S., Administrator
of the Estate of Keith D. Carter,
deceased
(Third Party Defendant)

CAUSE

Negligence - Mid-Air Collision.

ATTORNEYS

C. Rabon Martin
Jay C. Baker
BAKER, BAKER AND MARTIN
912 Mayo Building
Tulsa, Oklahoma 74103
(918) 587-1168

Harry L. Seay III (Wendell W. Clark)
Hall, Estill, Hardwick, Gable,
Collingsworth & Nelson, Inc. (and Ida M.
4100 Bank of Oklahoma Bldg. Horeth)
One Williams Center 585-9161
Tulsa, OK 74103 588-2700
Gomer A. Evans, Jr. (Wendell W. Clark)
Oliver, Evans & Wallis
14th Floor, Fourth National Bldg.
Tulsa, Oklahoma 74103 585-8181
74119

Frank M. Rowell, Jr. (Ida M. Horeth)
207 Franklin Bldg.
23 West 4th Street
Tulsa, Oklahoma 74103
584-3518

John H. Tucker (Wendell W. Clark)
Rhodes, Hieronymus, Holloway & Wilson
2900 Fourth National Bank Building
Tulsa, Oklahoma 74119
582-1173

C. Rabon Martin (James S. Maxwell)
912 Mayo Bldg.
Tulsa, OK 74103 587-1168
19

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	Sept. 1, 1976
				JS-6	5-1-79

B

DATE	NR.	CARTER v. HORETH	PROCEEDINGS
8-17	1.	Compl. fld. & summons issued. v	
8-18		Return on USM service of summons & compl, filed. Served Ida Horeth & Wendell Clark on 8-17-76 at Tulsa, OK, w/ fees of \$8.26.k	
8-19	2.	Pltfs' <u>DEMAND FOR JURY TRIAL</u> , filed.s	
9-3	3.	Deft. Wendell W. Clark's Special appearance, plea to the jurisdiction of the court, and motion for temporary stay of proceedings and enlargement of time, filed.s	
9-3	4.	Brief in support of spec. appearance plea to the Jurisdiction of the court, and mot. for temporary stay of proceedings and enlargement of time, filed.s	
9-3	MO	It is ordered by the Court that the Pltfs. file a responsive brief to Deft. Wendell W. Clark's special appearance, plea to the jurisdiction of the Court, and motion for temporary stay of proceedings and enlargement of time within ten (10) days. (AEB-J)s cps. mld.	
9-3	5	Deft. Ida M. Horeth's application for ext. of 15 days from 9-6-76 to ans., filed.s	
9-3	6.	Order, filed, granting Deft. Ida M. Horeth till 9-21-76 within which to ans. (JCS-Clk)s	
9-3	7.	Order, filed, staying proceedings against Deft. Wendell W. Clark until conclusion of proceedings in Tulsa County Dist. Court (Docket No. P-76-850); further, in the event said Deft's jurisdictional plea is unsuccessful, then time to answer shall be extended until 10 days after conclusion of State Ct. proceedings. (AEB-J)s cps. mld.	
9-21	8.	Answer of deft. Ida M. Horeth, administratrix of the Estate of John M. Horeth, filed.s	
10-8	9.	Pltf's combined interrogatories and motion for production of documents, filed.s	
10-28	10	Deft. Horeth's first combined interrogs. & mot. for production of documents, filed.k	
11-1	11.	Entry of appearance of Rhodes, Hieronymus, Holloway & Wilson by John H. Tucker as attys. for deft. Wendell W. Clark, filed.s	
11-8	12.	Deft. Ida M. Horeth's ans. to combined interrogs. and mot. for production of documents of pltfs., filed.s	
12-14 1977	13.	Ans. of deft., Ida M. Horeth, to Interrogs. and motion for production, filed.lm	
3-4	14	Deft. Ida M. Horeth appl. for leave to file third Party comp. fld ho	
3-4	15	Deft. Ida M. Horeth brief in supp. of appl. for leave to file third Party comp. fld. O to J. ho	
3-4	MO	It is ordered that the parties file a responsive brief w/in 10 days to deft., Ida M. Horeth, application for Leave to file third party complaint. (AEB-J) cps mld. ho	
3-14	16	Deft. Wendell W. Clark Response. FLd. ho	
3-22	17.	Order, filed, granting deft. Ida Horeth leave to file Third Party Complaint. (AEB-J)k cps mld	
3-25 4-11	18	Deft. Ida Horeth Third Party Complaint. fld. summons issued. ho Ret. of USM service of summons & Third Party Compl. fld. served James Maxwell, Admin. of the Estate of Keith D. Carter, deceased, on 4-7-77 in Dallas Tx. (USM \$4.00) ho	

CIVIL DOCKET CONTINUATION SHEET

B

PLAINTIFF	DEFENDANT	DOCKET NO. 76-C-433
FRANCES R. CARTER, et al	IDA M. HORETH, et al	PAGE 3 OF 2 sheets

DATE	NR.	PROCEEDINGS
1977		
4-22	19.	Answer of deft. James S. Maxwell to third party compl. of deft. Horeth, filed.b
4-22	20.	Deft. James S. Maxwell's mot. for substitution as party plaintiff & brief, filed.b
5-18	21	Deft. Wendell W. Clark, Administrator of the Estate of Ricardo Enrique Sanchez-Vegas, Deceased, ans. with counterclaim as to Pltf. Ida M. Horeth, Administratrix of the Estate of John M. Horeth, Deceased. fld.ho
6-6	22	Deft. Ida M. Horeth, appl. for ext. of time to ans. to crossclaim filed against her as part of the counterclaim of Wendell W. Clark. fld. ho 0 to J.
6-9	23.	Order, filed, Allowing Deft. Ida M. Horeth, until 6-21-77, w/in which to file Answer to Cross complaint filed against her by Wendell W. Clark.(AEB-J)b cps mld
6-20	24.	Deft. Horeth's second combined interrogs. and mot. for production of documents to Deft. Clark, filed.k
6-21	25	Deft. Ida M. Horeth ans. to cross-claim by Wendel W. Clark. fld. ho
7-15	26.	Pltfs' appl. for leave to substitute Frances R. Carter, Administratrix, as party pltf., and memorandum brief, filed.k
7-15	MO	It is ordered by the Court that the defts. are granted 10 days to respond to pltfs' appl. for leave to substitute party pltf. (AEB-J)k mld
7-18	27	Deft. Wendel W. Clark, Admin. of the estate of Ricardo Enrique Sanchez-Vegas, appl. for ext. of time to ans. interrog. fld. ho 0 to J
7-20	MO	The Court has for consideration the appl. of deft. Clark for time til 8-20-77 to ans. 2nd combined interrogs. & mot. for production of documents by deft. Horeth, and, being fully advised in the premises, finds that same should be granted. IT IS SO ORDERED. (AEB-J)k cps mld
7-26	28	Deft. Wendell W. Clark, response to appl. for leave to substitute party Pltf. fld ho
8-4	29.	Deft. Horeth's third combined interrogs. & request for production of documents to pltfs., filed.k
8-10	30	Order, fld. substituting party Pltf. It is ordered that Frances R. Carter, Administratrix of the Estate of Keith D. Carter, deceased be substituted as party Pltf. (AEB-J) cps mld. ho
8-18	31	Deft. Clark, appl. for ext. of time to ans. interrog. fld. ho 0 to J
8-19	32.	Order, filed, granting deft Clark 15 days from 8-20=77 to ans. 2nd combined interrogs and mo for prod by deft Ida M. Horeth. (AEB-J)lm
9-8	33	Deft. Clark, appl. for ext. of time to ans. interrog. fld. ho 0 to J.
9-12	34.	Order, fld., that Deft. is granted an ext. of 15 days from 9-7-77 to ans. 2nd interrogs. & mot. for prod. of documents by Deft. Ida Horeth. (AEB-J)v -all cps. mld. to movant for distribution. cps. to Tucker
9-14	MO	Parties are directed to hold a pre-trial conf. on or before 10-27-77 & file a pre-trial order on or before 11-3-77. (AEB-J) cps mld. ho
9-29	35	Pltf. ans. to third combined interrog. & request for production of documents. fld. ho
10-5	36	Deft. Clark appl. for ext. of time to ans. interrog. fld. ho 0 to J.
10-11	37	Order, filed, granting deft. Clark 30 days to file answer to 2nd combined interrogs. & mot. for production of documents filed by deft. Ida Horeth. (AEB-J)k cps mld to movant

CIVIL DOCKET CONTINUATION SHEET

B

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
10-17	38	Joint appl. to postpone PT conference. fld. ho 0 to J.	
10-19	39.	Order, filed, striking PT conf. & resetting 90 days after 10-27-77. (AEB-J)b cps to Baker	
11-18	40	Deft. Ida Horeth mot. to require Pltf. to ans. interrog. & produce documents. fld. ho	
11-18	41	Deft. Ida Horeth brief in supp. of mot. to require Pltf. to ans interrog. & produce documents. fld. ho	
11-21	MO	It is ordered that the Pltf. is granted 10 days to file a responsive brief to Deft. Horeths mot. to require Pltf. to ans. interrog. & produce documents. (AEB-J) cps mld. ho	
11-28	42.	Deft. Ida Horeth's motion to compel answers to interrog. or dismissal by Wendell W. Clark, filed.k	
11-28	43.	Brief in support of deft. Ida Horeth's mot. to compel or dismiss, fld.k	
11-28	MO	Deft. Clerk is ordered to respond w/in 10 days to deft. Ida Horeth's mot. to compel or for dismissal. (AEB-J)k cps mld	
12-1	44	Pltf. response to mot. to require Pltf. to ans. interrog. & produce documents. fld. ho	
12-1	45	Deft. Wendell Clark ans. to interrog. fld. ho	
<u>1978</u>			
1-3	MO	IT IS ORDERED that the mot. to compel answers to interrog. or dismissal by deft. Clark, filed by deft. Ida Horeth, and TRO be and the same are hereby referred to the U. S. Mag. pursuant to Order No. M-128 and T. 28 USC §636 for findings & recommendations. (AEB-J)k	
1-9	MO	Case set for hrg. before the Mag. on temporary restraining order on 1-19-78 at 11:15 a.m. (RSR-Mag)k ntc by KT	
1-17	MO	Hearing on temp. restraining order stricken from 1-19-78 and re-set for 1-27-78 at 11:15 A.M. (RSR-Mag) ntc by MG	
1-26	MO	Hrg. before the Mag. on TRO set for 1-27-78 at 11:15 a.m. is stricken upon advice of counsel that same is not being pursued at this time. Further, upon advice that interrog. have been answered, deft. Ida Horeth's mot. to compel deft. Clark to answer interrog. is stricken as moot. (RSR-Mag)k	
2-28	46	Notice of deft. Ida M. Horeth to take depositions of Stanley Roger Tracy & Alfred J. McCurley upon oral examination on 3-8-78 at Tulsa, OK, filed. Subpoenas issued.k	
3-9		Affid. & return of special officer of depo. sub. affid. of Richard L. Dollar served Stanley Roger Tracy on 3-4-78 in Sperry, OK & Alfred J. McCurley on 3-6-78 in Sapulpa, OK, fld. ho	
3-17	47	Affidavit of Jim Mann in support of deft. Ida Horeth's mot. for S/J, filed.k	
3-17	48	Deft. Ida M. Horeth Adm. mot. for S/J against cross-claim of Deft. Wendell W. Clark, Adm.	
3-17	49	Deft. Ida M. Horeth Adm. brief in supp. of mot. for S/J against cross-claim of Deft. Wendell W. Clark, Adm. fld. ho	
3-20	MO	It is ordered that the Deft. Wendell W. Clark, Adm. is granted 10 days to file a responsive brief to Deft. Ida M. Horeth Adm. mot. for S/J. (AEB-J)ho c/m	
4-4	50	Deft. Clark's appl. for 30 days to respond to mot. for S/J of deft. Ida Horeth, filed.k	
4-4	51	Brief in support of deft. Clark's appl. for ext. of time to respond to mot. for S/J, filed.k	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT B	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

DATE 1978	NR.	PROCEEDINGS
4-6	52	Order, fld. granting parties an ext. of time until 5-6-78 to file ans. to Deft. Ida M. Horeth mot. for S/J. (AEB-J)ho c/m to movant.
5-5	53	Deft. Wendell Clark reply brief, with affid. of Gomer A. Evans, Jr. fld. ho
5-15	54.	Motion of deft. Horeth to strike the affidavit of Gomer Evans attached to deft. Clark's reply brief in opposition to mot. for S/J on cross-claim of deft. Horeth, filed.k
5-15	55.	Reply brief in support of deft. Horeth's motion for S/J and motion to strike, filed.k
5-16	MO	Deft. Clark is ordered to file a responsive brief w/in 10 days to deft. Horeth's motion to strike affidavit. (AEB-J)k cps mld
6-5	56	Deft. Clark appl. for ext. of time to file a responsive brief to Deft. Horeth mot. to strike. fld. ho 0 to J.
6-5	MO	It is ordered that the Defts. Horeth is granted 5 days to file formal objections to Deft. Clarks appl. for ext. of time to file responsive brief to Deft. Horeth mot. to strike. (AEB-J)ho c/m
6-6	--	Depo. of Alfred J. McCurley taken on behalf of Deft. Horeth on 3-8-78 before Frank L. Peterson, CSR, w/fee-of \$50.50 pd. by Deft. fld. ho
6-7	57	Deft. Horeth objections for ext. of time to file responsive brief of Deft. Clark, fld. ho
6-12	MO	The Court has for consideration deft. Clark's appl. for ext. of time to respond to deft. Horeth's mot. to strike affidavit, the objections thereto of deft. Horeth, & finds that said ext. should be granted & the objection overruled. IT IS SO ORDERED & no further extensions will be granted. (AEB-J)k cps mld
6-22	MO	Case referred to Mag. pursuant to M-128 for recommendation to the Ct. (AEB-J)ho
6-27	MO	Case set for hrg. before the Mag. on deft. Ida Horeth's mot. for S/J on 7-17-78 at 10:30 a.m. (RSR-Mag)k ntc by KT
7-17		Case called for hearing Deft. Ida M. Horeth's motion for S/J. Parties present. Hearing passed to 8-7-78. (RSR-Mag) b
7-20	MO:	Case is set for hearing deft. Ida M. Horeth's motion for S/J on 8-7-78, at 9:30 A.M. (RSR-Mag) b nts by KT
8-4	58	Deft. Ida Horeth's request for admissions and interrogatories to pltf. filed.k
8-7	Min.	Case called for hearing deft. Ida M. Horeth's motion for S/J. Deft rep. Recommended that Deft's motion be sustained. Deft. to prepare F&R & proposed Order in 10 days. Affidavit of George H. Rhodes, filed in open court. (RSR-Mag) b
8-15	59	Findings & Recommendations of the Mag., filed. Mag. recommends that deft. Ida Horeth's mot. for S/J against the cross-claim of deft. Clark be sustained. (RSR-Mag)k cps mld
8-15	--	Deposition of Stanley Roger Tracy, taken on behalf of deft. Horeth, on 3-8-78, before Frank L. Peterson, CSR, w/ fee of \$91.50, filed.k
8-15	60	Deft. Wendell Clark request for admissions & interrog. to Pltf. fld. ho

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
8-18-78	61.	Pltff's resp. to req. for admissions and ans. to interrog. propounded to pltf. by deflt. Clark, fld.ra	
8-23	62.	Response to Request for Adm. and Ans. to the Int. of Deft. Horeth, filed.jc	
8-30	63	Order, filed, that the mot. for S/J of deflt. Horeth against the cross-claim of deflt. Clark is sustained. (AEB-J)k cps mld	
8-31	64	Deft. Ida M. Horeth, mot. for S/J against Pltff. fld. ho	
8-31	65	Deft. Ida M. Horeth brief in supp of mot. for S/J. fld. ho	
8-31	MO	It is ordered that the Pltff. is granted 10 days to file a responsive brief to Deft. Ida M. Horeth mot. for S/J. (AEB-J)ho c/m	
9-5	66	Pltff's application for extension of time for filing responsive brief to deflt. Horeth's motion for summary judgment, filed. b o to J	
9-7	67	Order, fld. granting Pltff. an ext. of time until 9-25-78 to file responsive brief to Deft. Ida M. Horeth mot. for S/J. (AEB-J)ho c/m to movant.	
9-28	68	Pltff. appl. for ext. of time to file responsive brief, fld. ho 0 as part of appl. to J.	
9-29	--	Order, as part of appl., filed, granting pltf. an additional 10 days to respond to deflt. Horeth's mot. for S/J. (AEB-J)k cpy mld to movant	
10-3	69	Pltff. brief in response to mot. for S/J of Deft. Horeth, fld. ho	
10-19	MO	Case set for hrg. before the Mag. on deflt. Horeth's mot. for S/J on cross-claim against pltf. on 11-6-78 at 11:30 a.m. (RSR-Mag)k ntc by KT	
11-3-	70.	Reply Brief of Deft. Ida M. Horeth, Administratrix, in support of motion for summary judgment, filed. b	
11-6	Min	Case called for hrg. before the Mag. on deflt. Horeth's mot. for S/J against claim of pltf. Parties represented. Pltff. granted until 11-13-78 to file suppl. brf. & deflt. granted until 11-20-78 to respond. Matter taken under advisement pending filing of addtl. briefs. (RSR-Mag)k	
11-16	71	Pltff. supplemental brief in opposition to Deft. Horeth mot. for S/J. fld. ho	
12-1	72	Brief in resp. to pltf's supplemental brief, fld.ra	
<u>1979</u>			
3-16	MO	Case transferred to Judge H. Dale Cook. (JCS-Clk)k	
3-26	73	Stip. for dismissal w/prejudice, re: Deft. Horeth, fld. ho	
3-30	74	Stipulation for Dismsal w/prejudice, re: all defts, fld. b	
4-2-79	75	Order, fld & entered, that all claims against defts' are hereby dismissed w/prejudice, each party to bear his own costs.(HDC-J)b cps to Seay	
4-9	76	Stipulation for dismissal of 3rd party complaint w/ prejudice, fld.k 0	
4-10	77	Order Dismissing Third Party Complaint with Prejudice, fld & entered, each party to bear their own costs.(HDC-J)b cps mld	
8-22		DEPS. returned to counsel. g	